

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
June 7, 2017 - 5:00 p.m.**

In Attendance were:

Kathy Giles, Planning Commission, Chairman
Brad Wells, Planning Commission
Edward Roberts, Planning Commission-by phone
Ken Richens, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Hal and Terri Giles

Giles-CUP

Chairman Giles opened the meeting at 5:00 pm and read the rules of order. She asked if any of the Planning Commission Members had any ex-parte contacts or conflicts of interest associated with the agenda. There were none, so the meeting proceeded.

PUBLIC HEARINGS:

A. Request by Hal and Terri Lyn Giles for a Conditional Use Permit to operate an antiques, gifts and floral business at 39253 W Highway 35, in the Tabiona area.

Mr. Hyde stated the applicants are seeking approval to operate an antique, gift and floral business from a converted garage at their residence. The property is zoned R-1, which is a residential zone with a one-acre minimum lot size. The Duchesne County Zoning Ordinance includes the following provisions for Home Occupations:

A home occupation is an accessory use consisting of a vocational activity conducted inside a dwelling unit, conducted by the individuals who reside therein, with up to five FTE of non-resident employment (provided adequate on-site parking is available), provided that the home occupation is clearly subordinate to the use of the parcel for dwelling purposes, does not change the character of the parcel and meets the following standards:

A. Does not include the outside storage of goods, materials, or equipment.

Mr. Hyde indicated the photos of the property show that the proposal does include the outdoor storage of goods; thus, a conditional use permit is required.

B. Has signage limited to a non-illuminated, flush wall mounted identification sign two square feet or less in size.

Photos of the property show that a sign 3.5 X 12 feet in size is attached to a fence along the highway right of way line. Since this sign exceeds that permitted for home occupations, a conditional use permit is required.

C. The following occupations are allowed by conditional use permit in the R1/2, R-1 and R-2.5 zones and permitted outright in the other zones: appliance repair, cabinet making, dance instruction to more than two (2) individuals at a time; firearms sales and services, food catering, hair salons, unless limited to two (2) stations, motorized garden tool repair, such as, but not limited to, lawnmowers, chain saws, and leaf blowers, pest control, painting of vehicles, trailers, boats, and like vehicles/vessels, photo developing, real estate or brokerage offices, upholstery and furniture repair, vehicle-related uses such as, but not limited to, the cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease, or rental, and towing of vehicles (the dispatching of vehicles such as limousines, taxicabs, and ambulances is allowed as a home business so long as those vehicles need not regularly come into the vicinity of the subject residence), welding, nursing homes, health care, including physicians, psychologists, chiropractors, hypnotics and massage therapists.

D. Complies with all required Federal and State licensing requirements.

There are no federal or state licensing requirements for this type of business.

Mr. Hyde stated a conditional use permit would not be required if criteria A and B have been met.

The Conditional Use Permit criteria are as follows:

1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.

Mr. Hyde stated the proposed use has the potential to be detrimental to other property owners and the public health, safety and general welfare if conditions are not imposed to maintain the residential character of the business site.

2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.

The Duchesne County General Plan states that future growth and development decisions should be made with sensitivity to rural residential and agricultural interests. The plan indicates that the county wishes to encourage business activity and support efforts to recruit new businesses, retain existing businesses and assist with the expansion of existing businesses. In light of these plan policies, the Conditional Use request should be approved to provide a site for a new business, provided that conditions of approval are imposed to protect rural residential interests in the area.

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a

manner that will not be materially detrimental to adjoining and surrounding properties.

Mr. Hyde stated the subject property is a 1.36-acre parcel; however, the applicants also own an abutting 105.22-acre parcel on which a portion of the business parking lot is located. The property and adjacent lands of the applicants are large enough to operate the proposed business with no significant impact on surrounding properties. The nearest homes are located about 650 feet to the north (Chase Rhoades), 1,210 feet to the southeast (Lazenby) and 1240 feet to the southeast (Jan Rhoades).

The additional criteria include:

A. Landscaping, Design: That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.

Mr. Hyde indicated since there is a significant distance between this residence and business to other residences in the area, there is no need for fencing or buffering to screen the outdoor storage from other properties. Site photos show numerous trees in the area and a large grassy area between the highway and the parking area. No additional landscaping is needed.

B. Parking: Provisions of parking facilities, including vehicular ingress and egress, loading and unloading areas and the surfacing of parking areas and driveways to specified standards.

There is safe public access to the site via two existing road approaches from State Highway 35 that serve a looped driveway. UDOT Region 3 was contacted to determine if commercial use of these driveways is permitted. UDOT responded that they have no concerns with the proposal. Site photos show that there is ample hard-surface parking for customer vehicles on the site.

C. Streets, Water, Sewer, Fire Protection: The provision of required street and highway dedication and improvements, and adequate water supply, sewage disposal and fire protection.

Mr. Hyde stated the property receives access directly from State Highway 35. This road is paved and is sufficient to handle the small amount of additional traffic associated with the proposed business. There are no plans for acquiring additional right of way identified at this location. The property receives water from a private well. The proposed business will have a very minimal impact on water usage at the property. This property has an onsite wastewater disposal system. The proposed business will have a very minimal impact on the amount of sewage generated at the property. Business customers may use a restroom, if necessary, in the store. The closest fire hydrant is located at the NE corner of 5000 North and Highway 35; which is about 1,680 feet SE of this property. The applicant will need to request a building and fire code inspection of the building used for the store to determine if all code requirements have been met.

D. Signs: Regulation of signs.

The applicant has indicated there is a temporary sign attached to the fence along the highway; however, if the permit is approved, they intend to mount a sign to the bed of an antique truck or buggy to be parked perpendicular to the highway. To maintain residential character, the Planning Commission should allow a principal sign no larger than the existing sign and a secondary wall sign no more than 50% of the size of the principal sign. No other signs or attention devices should be permitted.

E. Nuisances: The mitigation of nuisance factors, such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation.

This business is not anticipated to generate significant amounts of noise or other nuisance factors listed above.

F. Operating Hours: The regulation of operating hours for activities affecting normal schedules and functions.

The applicant has stated their normal business hours will be from 10:00 AM to 5:00 PM, Tuesday through Saturday. Such hours are reasonable to prevent potential impacts on surrounding property owners.

Mr. Hyde's recommendation was that the Planning Commission approve the Conditional Use Permit requested by Hal and Terri Lyn Giles, subject to the following conditions:

1. By June 19, 2017, the applicants shall:
 - a. Request a building and fire code inspection of the building used for the business and ensure that all code requirements identified by that inspection are met by July 31, 2017.
 - b. Apply for a county business license.
2. Business signage shall be limited to one sign which shall be non-illuminated and not to exceed 32 square feet in area. Such sign may be mounted in the bed of an antique truck or one of the buggies on the site or on a sign structure. No other business signs or attention devices are allowed.

Mr. Hyde referred the commission to their packets and some site photos of the location and stated UDOT Region 3 does not have any issues with this location as Highway 35 can handle any increased traffic.

Mr. Hyde asked if there were any questions of the staff report.

Commissioner Wells asked about having the sign mounted in a truck since the planning commission passed an ordinance last year that makes it illegal to mount signs on trucks or trailers. Mr. Hyde stated this would be on premise advertising (rather than off-premise) and is consistent with the nature of the business since it will be mounted on

an antique vehicle on site. An exception is warranted in this case as the sign would be incorporated into the antique items available for sale on the property.

Commissioner Richens asked how they currently advertise. The applicants stated mostly the current sign (which is 3 1/2x12 feet in size) and Facebook. With no other comments the applicant was invited to speak.

Hal Giles, co-applicant and property owner, thanked Mr. Hyde for his direction and help with their application. Mr. Giles stated this is a good thing for the Tabiona-Hanna area. It allows residents to purchase flowers and gifts without having to make a trip to Duchesne or Roosevelt. They are ok with the conditions of approval but hope in the future that they can mount a smaller sign on the building.

With no other questions and no one in the audience in opposition of the applicant's request Chairman Giles closed the hearing.

Commissioner Richens motioned to approve the Conditional Use Permit requested by Hal and Terri Lyn Giles subject to the condition stated in the staff report, with condition # 2 being amended to read: *Business signage shall be limited to two signs which shall be non-illuminated and not to exceed 42 square feet in area (for the one to be placed next to Highway 35) and 21 square feet for a sign on the store). The 42 square foot sign may be mounted in the bed of an antique truck or one of the buggies on the site or on a sign structure. No other business signs or attention devices are allowed.* Commissioner Wells seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of May 3, 2017 minutes:

Commissioner Wells moved to approve the minutes of May 3, 2017.

Commissioner Richens seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

Mr. Hyde stated there is nothing for the July 12th meeting yet but there is still time for applications to be accepted. The commission were asked to submit their reimbursement requests for the training session held in Vernal in May.

Adjournment:

Meeting adjourned at 5:30p.m.